



## **MUSKEGON BOARD OF CIVIL SERVICE COMMISSIONERS**

### **Regular Meeting Minutes**

### **CIVIL SERVICE COMMISSION**

**Wednesday, July 7, 2004**

**4:00 P.M., Room 107**

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#### **I. CALL TO ORDER**

The meeting was called to order by President Debra Smith at 4:06 p.m.

Also in attendance were Civil Service Commissioners Floyd DeForest and Ray Murdaugh; Civil Service Personnel Director Karen Scholle; Assistant City Manager Lee Slaughter; City Attorney John Schrier; Public Safety Director Tony Kleibecker; Police Records Customer Service Representative Heather Marciniak; Fire Lieutenant David Eigenauer; and Melissa Drake, Attorney representing David Eigenauer.

#### **II. MINUTES**

Motion by Commissioner DeForest, support by Commissioner Murdaugh, to accept the minutes of the May 5, 2004, Civil Service Commission meeting as printed.

**VOTE: Three yeas; zero nays.  
Motion carried.**

#### **III. ACTION AGENDA**

##### **A. Consideration of Request for Hearing/David Eigenauer**

This item was moved from Item XI, Unfinished Business, at the request of Assistant City Manager Lee Slaughter. The CSC consented to the agenda revision.

Melissa Drake, attorney for Fire Lieutenant David Eigenauer, requested consideration for a hearing on behalf of David Eigenauer. The parties allege that the March 2004, Fire Battalion Chief oral exam was not properly conducted and that two of the four evaluators on the oral exam panel were biased against Mr. Eigenauer. Further, the parties allege that the "task" (exam) did not adequately measure the candidates' fitness for the position of Fire Battalion Chief in relation to the job description. Ms. Drake stated that "serious indiscretions" have occurred with the Fire Department but offered no explanation, testimony, or documentation to support the allegations beyond correspondence already on file from either Ms. Drake or David Eigenauer.

City Attorney John Schrier presented on behalf of the City, by reviewing the facts of the March 17, 2004, oral exam in that (1) David Eigenauer expressed no dissatisfaction with the oral exam content or concern over evaluator bias until after the oral exam results were made known on March 29, 2004, when Mr. Eigenauer learned that he had failed the exam; that all four oral exam panelists failed Mr. Eigenauer on the oral exam, and not just the two evaluators that David Eigenauer later expressed concern over.

After the opportunity question the involved parties and their representatives and discussion concerning the request for a hearing, the CSC took the following action.

**Motion by Commissioner Murdaugh, support by Commissioner DeForest, to deny David Eigenauer's request for a hearing.**

**VOTE: Yeas, Commissioners DeForest and Murdaugh; nay, President Smith.  
Motion carried.**

**B. Civil Service Director's Annual Evaluation**

This item was moved to the second order of business at the request of Assistant City Manager Lee Slaughter. The CSC consented to the agenda revision.

After brief discussion concerning the scheduling of a date and time for a special meeting, the CSC took the following action.

**Motion by Commissioner DeForest, support by Commissioner Murdaugh, to hold a special meeting for review of the Director's evaluation on July 16, 2004, at 9:30 a.m.**

**VOTE: Three yeas; zero nays.  
Motion carried.**

**C. Zoning Administrator Temporary Appointment**

On behalf of Community and Economic Development Director Cathy Brubaker-Clarke, who was on vacation, Civil Service Director Karen Scholle briefed the CSC regarding the Economic Development Director's request to extend the temporary appointment of Brian Lazor as Acting Zoning Administrator. The request was before the CSC once again as the City's charter requires the appointment of a Zoning Administrator and authorization to appoint a regular Zoning Administrator had not been granted by management until July 6, 2004.

After discussion concerning the appointment of a permanent Zoning Administrator, the Commissioners expressed reservations about further extending the temporary appointment beyond the 60-day period allowed by charter and the Civil Service Rules and Regulations. After discussion, the CSC took the following action.

**Motion by Commissioner Murdaugh, support by President Smith, to further waive the Rules and Regulations and extend the temporary Zoning Administrator appointment of Brian Lazor for 30 additional days.**

**VOTE: Yeas, Commissioner Murdaugh, President Smith; nays, Commissioner DeForest.  
Motion carried.**

**D. Permit Engineer: Revised Job Description and Temporary Appointment**

The Civil Service Director briefed the CSC on this issue, indicating that the Deputy Director of Public Safety for Fire Services, whom also was in charge of Inspections, resigned in mid-May, 2004. The Deputy Director's unanticipated departure created the necessity to temporarily appoint an employee to coordinate the inspection functions until such time that a new Deputy Director for Public Safety could be brought on board. The Public Safety Director appointed Permit Technician Laura Hichue to Permit Engineer, a non-union position, in order to bridge the staffing gap. An updated job description for Permit Engineer was provided to the CSC for consideration of approval.

As the CSC had questions concerning the length of time needed to fill the position relative to the 60-day temporary appointment provision, Public Safety Director Tony Kleibecker addressed the CSC. Director Kleibecker indicated that the recruitment for a candidate to fill the position was Deputy Director of Public Safety was already under way and that he did not expect that the temporary appointment would need to extend beyond the first to mid-September. As such, Deputy Kleibecker did not foresee a need to extend the appointment of the Permit Engineer beyond the approximate 90 days.

**Motion by Commissioner DeForest, support by Commissioner Murdaugh, to approve revised job description for Permit Engineer and the temporary appointment of the Permit Engineer for 90 days, instead of 60 days and waive the Rules and Regulations to allow for the appointment.**

**Yeas, President Smith, Commissioners DeForest and Murdaugh; nays, none.  
Motion carried.**

**E. Requests for Leave of Absence**

1. To Enter Other Governmental Work within the City/Major Metcalf

The Director reported to the Commission that Fire Marshall Major Metcalf was appointed the Interim Deputy Director of Public Safety for Fire Services since June 6, 2004, until approximately September 15, 2004. That in following procedure under the Civil Service Rules and Regulations, Mr. Metcalf would need to apply for a leave of absence from his classified position as Fire Marshall to fill the unclassified position of Deputy Director of Public Safety for Fire Services.

**Motion by Commissioner Murdaugh, support by DeForest to grant the leave of absence for Major Metcalf from the classified position of Fire Marshall in order to serve in the unclassified position of Interim Deputy Director of Public Safety for Fire Services.**

**VOTE: Yeas, President Smith, Commissioners DeForest and Murdaugh.  
Motion carried.**

2. Education Leave of Absence/Heather Marciniak

The Director advised the Commission that Police Records Customer Service Representative Heather Marciniak is requesting an educational leave of absence to attend the Lansing community College Police Academy. That while Ms. Marciniak has not yet worked for the City for three years, as required by the CSC Rules and Regulations for an educational leave of absence, the request has been approved by Public Safety Director Kleibecker and City Manager Mazade. At this point the matter rests with the CSC as to whether or not waive the Rules and Regulations and approve the request for leave.

After discussion with Ms. Marciniak concerning her educational expenses and term of employment with the City, the following action was taken.

**Motion by Commissioner Murdaugh, support by Commissioner DeForest, to approve and grant the educational leave of absence request for Heather Marciniak.**

**VOTE: Yeas, President Smith, Commissioners DeForest and Murdaugh; nays, none.  
Motion Carried.**

F. Retention of Letters of Concern

The Director advised the CSC that this item was brought forward from the May 2004 meeting agenda, recalling that DPW supervisors initiated the request to remove letters of concern from employees' active personnel files after one year. Currently the letters remain in employees' active personnel files permanently as no policy addresses the management of letters of concern, even though the letters do not rise to the level of discipline. Records at the first level of discipline are removed from employees' active personnel files after one year. As such, the Director encouraged approval of this request.

**Motion by Commissioner DeForest, support by Commissioner Murdaugh, to approve a policy of removing letters of concern from employees' active personnel files after a period of one year.**

**VOTE: Yeas, President Smith, Commissioners DeForest and Murdaugh; nays, none.  
Motion carried.**

G. Unauthorized Absences/No Pay Policy Proposal

This item was brought forward from the May 2004 agenda. The Director refreshed the CSC on the previous issue of wording regarding benefit adjustments, which was revised in the present proposal to reflect only that an "employee incurring ongoing unauthorized absences is subject to benefit adjustments in earned leave time."

**Motion by Commissioner DeForest, support by Commissioner Murdaugh, to accept the Unauthorized Absences policy proposal as written.**

**VOTE: Yeas, President Smith, Commissioners DeForest and Murdaugh; nays, none.  
Motion carried.**

H. Background Check Policy Amendment

The Director briefed the Commission on the fact that this amendment was before them on the advice of City Attorney John Schrier to change the wording regarding the confidentiality of

background check information. The revised wording reads, "Background check information is strictly confidential, subject to any applicable disclosure law requirement."

**Motion by Commissioner DeForest, support by Commissioner Murdaugh, to accept the Background Check policy amendment proposal regarding confidentiality to read "subject to any applicable disclosure law requirement."**

**VOTE: Yeas, President Smith, Commissioners DeForest and Murdaugh; nays, none.  
Motion carried.**

#### **IV. CIVIL SERVICE PERSONNEL DIRECTOR'S REPORT**

**A. Nepotism policy proposal**

The Director advised the Commission that a policy addressing nepotism is being drafted and possibly may be ready for review by the August CSC meeting.

**B. Job/Compensation Classification Review Policy**

The Director advised the CSC that there has been no response to date concerning their letter to the City Manager seeking an understanding on the proposed policy.

**C. City budget challenges**

The Director advised the CSC that money shortfalls continue to trouble the City, resulting in holding position vacancies open for as long as possible to incur cost savings and that, with rare exceptions, staffing levels are projected to remain reduced through 2005.

#### **V. STATUS OF RECRUITMENTS**

**A. City Seasonals 2004:** There are 272 applications received to date; occasional replacement hiring occurring.

**B. Civil Engineer:** One internal promotional application received.

**C. Customer Service Representative I:** There are 136 applications on file.

**D. Customer Service Representative II:** There are 64 applications on file.

**E. Firefighter 2004:** There are 157 applications on file.

**F. Fire Captain:** Five promotional candidates applied; test selection under review.

**G. Mechanic:** One promotional application received; position on hold due to budget.

**H. Police Officer 2004:** There 164 applications under review

**I. Police Officer 2005:** There are 42 applications on file.

**J. Police Records Supervisor:** Posted for internal promotion; posting expires 7-14-04.

**K. Superintendent of Public Utilities:** Oral exam held 6-2-04 with Kelly DeFrench promoted as of 6-6-04.

**L. Superintendent of Public Works:** Oral exam held 6-2-04, with Doug Sayles promoted as of 6-6-04.

#### **VI. APPOINTMENTS**

**A. New Appointments  
Permanent**

**Seasonal/Part Time**

Larry Allen II, Playground Leader, 6/7/04.

Tanya Andryscik, Seasonal/Engineering Aide, 6/15/04.

William Bergman, Seasonal/Engineering Aide, 6/14/04.

Jamie Bishop, Playground Leader, 6/7/04.

Marsha Bowman, Park Ranger, 5/17/04.

Cheri Burdick-Street, Farmers Market Master, 4/30/04.

Orbra Coleman, Playground Leader, 6/7/04.

Jacqueline Cota, Park Ranger, Park Ranger, 6/1/04.

Jamie Cullum, Park Ranger, 5/17/04.

Desiree Dye, Julia E. Hackley Intern, Leisure Services, 5/28/04.

Matthew Dye, Park Ranger, 5/17/04.

Judith Ealom, Playground Leader, 6/7/04.

Lindsey Earnest, Park Ranger, 5/17/04.

Tommie Elliott, Playground Leader, 6/7/04.

Roberto Esteban III, Lifeguard, 5/19/04.

Alicia Gonzales, Park Ranger, 6/1/04.

Dequisha Haskins, Playground Leader, 6/7/04.

Jeffrey Hawkins, Park Ranger, 5/17/04.

James Hurley, Park Ranger, 6/1/04.  
 Karen Kendra, Playground Leader, 6/7/04.  
 Andrew Malady, Park Ranger, 5/17/04.  
 Jessica McGettigan, Marina Aide, 5/24/04  
 Ashton McNeice, Lifeguard, 6/20/04.  
 Crystal Meyer, Lifeguard Captain, 5/28/04.  
 Ashley Morris, Playground Leader, 6/7/04.  
 Louis Murray, Playground Leader, 6/7/04.  
 Marshelia Neely, Playground Leader, 6/7/04.  
 Ann Nolan, Playground Leader, 6/7/04.  
 John Oakes, Playground Leader, 6/14/04.  
 Richard Pack, Playground Leader, 6/14/04.  
 David Privasky, Lifeguard, 5/25/04.  
 Marcus Schillaci, Lifeguard Captain, 4/16/04.  
 Vernice Sahol, Julia E. Hackley Intern, City Clerk, 5/30/04.  
 Brandi Sones, Park Ranger, 5/17/04.  
 Scott Stine, Park Ranger, 5/25/04.  
 Christopher Szymczyk, Lifeguard, 5/31/04.  
 Steven Tartt, Playground Leader, 6/7/04.  
 Joan Triplett, Julia E. Hackley Intern, Planning, 5/30/04.  
 Crystal Vauters, Julia E. Hackley Intern, Engineering, 5/30/04.  
 Barbara Villalpando, Playground Leader, 6/21/04.  
 Angela Vinton, Playground Leader, 6/7/04.  
 Eddie Ward, Playground Leader, 6/7/04.  
 Edward Washington, Playground Leader, 6/1/04.  
 Derek Westerlund, Playground Leader, 6/7/04.  
 Marcina Whittington, Playground Leader, 6/7/04.

**B. Promotions:**

**Permanent Employees**

Kelley DeFrench promoted from Acting Superintendent of Public Utilities to Superintendent of Public Utilities, 6/6/2004.  
 Matthew Gillette promoted from Mechanic to Water Plant Operator, 5/10/04.  
 David McLouth promoted from Mechanic to Water Plant Operator, 5/9/04.  
 Douglas Sayles promoted from Acting Superintendent of Public Works to Superintendent of Public Works, 6/6/2004.

**Seasonal/Part Time**

**C. Transfers**

**Permanent Employees**

**Seasonal/Part Time**

**D. Reclassifications**

**Permanent Employees**

**Seasonal Employees**

**E. Temporary Assignments**

**Permanent Employees**

Daon Mitchell, part-time CSR I, Planning & Economic Development, 5/3/04.  
 Laura Hichue from Permit Technician to Interim Project Engineer, 6/06/04.  
 Major Metcalf from Fire Marshal to Interim Deputy Director of Public Safety for Fire Services, 6/06/04.

**Seasonal/Part Time**

**VII. DISCIPLINARY ACTIONS**

**A. Warning Letters**

**Permanent Employees**

**Rescind:** Roger Booth, Equipment Operator, Group 1 violation, 1st offense, 4/12/04.

John Corrigan, Police Officer, Group 1 violation, 1st offense, 5/27/04.  
Roger Grotefeld, Mechanic-DPW, Group 1 violation, 1st offense, 5/7/04.  
Mark Johnson, Battalion Chief, Group 1 offense, 1st violation, 5/22/04.  
Diane Leafers, Administrative Secretary, Group 1 violation, 1st offense, 5/12/04.  
Susan Nichols, Parks LSMW II, Group 1 violation, 1st offense, 5/7/04.  
Terry Redmon, Equipment Operator, Group 1 violation, 1st offense, 6/21/04.

**Seasonal/Part Time**

**B. Suspensions**

**Permanent Employees**

Glen Berry, Police Officer, 3-day suspension, Group 2 offense, 1st violation, 4/29/04.  
Matthew Holmes, Water Sewer Maintenance Worker, 3-day suspension (waived), Group 1 offense, 3rd violation, 6/22/04.  
Steve Martinez, Police Officer, 1-day suspension, Group 1 offense, 2nd violation, 6/2/04.

**Rescind:** Michael Rosema, Firefighter, 3-day suspension, Group 2 offense, 1st violation, 9/16/03.

**Rescind:** James Schoonbeck, Equipment Operator, Group 1 offense, 2nd violation, reduced to letter of concern. 4/12/04.

David Semelbauer, Equipment Operator, 1-day suspension (waived), Group 1 offense, 2nd violation, 5/20/04.

Elton Williams, Water Sewer Maintenance Worker, 1-day suspension (waived), Group 1 offense, 2nd violation, 6/22/04.

**Seasonal/Part Time**

**C. Terminations**

**Permanent Employees**

**Seasonal/Part Time**

**VIII.**

**SEPARATIONS**

**A. Resignations**

**Permanent Employees**

Timothy Fields, Water Sewer Maintenance Worker, 6/11/04.  
Robert Grabinski, Deputy Director Fire/Inspections, 6/18/04.  
Kenneth Ward, Water Sewer Maintenance Worker, 6/18/04.

**Seasonal/Part Time**

**B. Job Terminations**

**Permanent Employees**

**Seasonal/Part Time**

Tommie Elliott, Program Leader, 6/7/04.  
Crystal Meyer, Lifeguard/Winter Program, 4/16/04.  
Marcus Schillaci, Lifeguard/Winter Program, 4/16/04.  
Edward Washington, Program Leader, 4/16/04.

**C. Other**

**Retirements**

Frank Borgeson, Leisure Services Maintenance Worker II, 6/11/04.

**IX. OTHER PERSONNEL ACTIONS**

**A. Certificates of Training Excellence**

Ken Chudy, Fire Battalion Chief, Leading Community Risk Reduction, 6/14/04.  
Scott Hemmelsbach, Fire Inspector, The Reid Method of Criminal Interviews and Interrogation, 4/28/04.  
Scott Hemmelsbach, Fire Inspector, NAPA Fire Inspector Level I.  
Brian Marek, Fire Fighter, Ropes That Rescue Ltd.

Chief

**B. Letters of Commendation**

Gordon Cole, Fire Lieutenant,  
Brian Marek, Fire Fighter,  
Ross Morningstar, Fire Fighter,

Received congratulatory letter via Public Safety Director Tony Kleibecker from Mark Johnson for their actions of excellence on May 9, 2004 in assisting a visiting nurse who discovered a patient in need of medical assistance, 5/11/04.

Scott Hemmelsbach, Fire Inspector, received a letter of appreciation from Anthony Kleibecker, Director of Public Safety, for his quick thinking on April 14, 2004, for using his emergency equipment to prevent a possibly tragic collision and stopping a vehicle driving in the wrong direction on US 31.

Major Metcalf, Fire Marshall, received a letter of appreciation from Lisa Cobb, School Social Worker at North East Education Center, for his positive and individual approach used with different grade-level students.

Denny Powers, Police Community Relations Coordinator, received a letter of appreciation from Director of Public Safety Anthony Kleibecker, for his hard work in developing and coordination of this year's Fishing Derby.

**C. Reassignment of Duties**

**X. OTHER BUSINESS**

**A. Kelly Services, Inc.**

There were no expenditures for contract temporary clerical help in May 2004.

**B. Manpower**

There were no expenditures for contract temporary clerical help in May 2004.

**XI. UNFINISHED BUSINESS**

**A. Consideration of Request for Hearing/David Eigenauer**

This item was moved to Item A of the Action Agenda.

**XI. ADJOURNMENT**

With no further business to attend to, the meeting adjourned at 5:10 p.m.

The City will provide necessary appropriate auxiliary aids and services, to individuals with disabilities who want to attend the meeting, upon 24-hour notice to the City of Muskegon. Please contact 933 Terrace Street, Muskegon, MI 49443 or by calling (231) 724-6716 (voice) or (TDD) (231) 724-6773.